



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,841	01/12/2006	Michihiro Izumi	03500.103508.	2240
5514 7590 08/24/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
SING, SIMON P				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
08/24/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,841

Applicant(s)

IZUMI, MICHIIRO

Examiner

SIMON SING

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-5, 7-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bashoura et al. US 6,310,942 in view of Sehgal US 6,618,165 and further in view of Abrishami et al. US 6,463,135 and Shimade et al 6,359,903.

1.1 Regarding claims 1, 5 and 9, Bashoura teaches a system and method for sending image data (fax message) to a far-end terminal (opponent station), comprising:

communication control means (fax director 3) for sending a fax message to the far-end terminal (column 3, lines 53-62; column 4, lines 36-41),

if a far-end terminal has an IP address, sending the image data, not facsimile modulated, to the far-end terminal using an IP protocol (FTP), wherein the IP address is obtained from a telephone number of the far-end terminal (column 4, lines 54-67; column 5, lines 1-19), and

when a far-end terminal does not have an IP address, sending the image data, using facsimile modulation, to the far-end terminal through a telephone network PSTN 25 (column 5, lines 48-60).

Bashoura teaches sending the image data to a far-end terminal through PSTN 25 when the far-end terminal does not have an IP address. Bashoura fails to teach the PSTN 25 using an IP network with gateways for transmitting fax messages.

However, Sehgal teaches that instead of sending a fax document through a PSTN, an end office of a PSTN sends the fax document through an Internet (IP network) via gateways. For example, an originating end office 104 send the fax document to an originating gateway 106, which transmits the fax document through Internet 108 using TCP/IP, and a terminating gateway 112 converts the received fax document into signals recognized by a telephony end office 114, which forwards the received fax document to a terminating fax machine to bypass PSTN 110 (figure 1; column 1, lines 45-50; column 2, lines 31-50; column 3, lines 7-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Bashoura reference with the teaching of Sehgal, so that PSTN 25 would have utilized Internet and gateways for transmitting image data if the far-end terminal did not have an IP address. The motivation of such a modification was to reduce PSTN long distance transmission cost as taught by Sehgal (Sehgal: column 1, lines 47-50).

The modified Bashoura does specifically teach modulating (encoding) the image utilizing a PCM method of at least 64 kbps, and tone is also encoded for transmission, when the image is sent through the PSTN.

However, Abrishami teaches a facsimile image is encoded with 64-kbps PCM for transmission over telephone networks (column 2, lines 19-25), and Shimada teaches 64

kbps PCM and a tone from a facsimile terminal is also encoded with the 64-kbps PCM (column 2, line 59 – column 3, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Bashoura reference with the teachings of Abrishami and Shimade so that the facsimile image and tone would have been encoded with 64 kbps PCM. The motivation for such a modification was to clarify how facsimile images were transmitted over a PSTN.

1.2 Regarding claims 3, 7 and 11, Bashoura teaches whether using facsimile modulation for sending the image data is based on the far-end terminal's telephone number (column 4, lines 54-67; column 5, lines 1-20, 48-60).

1.3 Regarding claim 4, 8 and 12, Bashoura teaches sending the image data using the IP address of the far-end terminal (column 4, line 54 to column 5, line 20).

1.4 Regarding claims 13-15, the modified Bashoura reference teaches digitally encoding the fax modulated image data by a first (originating) gateway 106 in Sehgal for transmitting through Internet using TCP/IP

Response to Arguments

2. Applicant's arguments filed on 07/26/2010 with respect to claims 1, 3-5, 7-9 and 11-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Thursday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Simon Sing/
Primary Examiner, Art Unit 2614